

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 8, 14 and 16 are pending in the present application. Claims 8, 14 and 16 are amended; and Claims 9-13, 15 and 17 are canceled without prejudice or disclaimer by the present amendment. Claims 8, 14 and 16 are amended to incorporate selected features from now-canceled Claims 9-12. No new matter is presented.

In the Office Action, Claims 8-12 are rejected under 35 U.S.C. § 112, second paragraph; Claims 8-9, 12, 14 and 16 are rejected under 35 U.S.C. § 102(e) as anticipated by Tirosh et al. (U.S. 2003/0141093, herein Tirosh); and Claims 10-11 are rejected under 35 U.S.C. § 103(a) as unpatentable over Tirosh in view of Kimchi et al. (U.S. 2002/0120760, herein Kimchi).

The Office Action rejects Claims 8-12 under 35 U.S.C. § 112, second paragraph.

Regarding Claim 8, the Office Action asserts that there is no antecedent basis for the limitation “the address conversion information acquired from the first router” in line 19. Lines 12-13 of Claim 1, however, recite that the routing controller includes an address information provision requester configured to request provision of “address conversion information” to the first router. Therefore, in contrast to the assertion set forth in the Office Action, lines 12-13 of Claim 1 do provide antecedent basis for the subsequently claimed “address conversion information acquired from the first router”.

Regarding Claim 12, the features of this claim are incorporated into independent Claim 1, and the claim is amended to clarify that “a second routing processor” is “configured to perform a routing processing of the data converted by the second address converter using the IP address of the first router”.

Accordingly, Applicant respectfully requests that the outstanding rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Office Action rejects Claims 8, 14 and 16 under 35 U.S.C. § 102(e) as anticipated by Tirosh. In response to this rejection, Applicant respectfully submits that amended independent Claims 8, 14 and 16 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 14, for example, recites, in part, a routing controller configured to switch a routing path between routers from a first routing path to a second routing path, the routing controller comprising:

a trigger receiver configured to receive a trigger indicating a congestion or a occurrence of failure on the first routing path, or to receive a trigger indicating a need to route via the first router in a case where the first router has a service control function including an accounting function, a monitoring function or a media converting function;

an address information provision requester configured to ***request provision of address conversion information to the first router in accordance with reception of the trigger;***

an address conversion information creation requester configured to request creation of first address conversion information, which associates a destination address of received data with an IP address of the first router, for converting data destined for a destination terminal to data destined for the first router, and to request creation of second address conversion information for converting data destined for the first router to data destined for the destination terminal, based on the address conversion information acquired from the first router;

an address conversion information change requester configured to ***request a second router***, which is located on a demarcation point of the first routing path and the second routing path, ***to change the first address conversion information;*** and

an address conversion information deletion requestor configured to request the second router to delete the first address conversion information.

Independent Claims 8 and 16, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of amended independent Claims 8, 14 and 16.

As noted above, independent Claims 8, 14 and 16 recite that the routing controller receives a trigger, requests provision of address conversion information to the first router in

accordance with reception of the trigger, and requests creation of first and second address conversion information. Such a configuration allows for the routing controller to perform an address setting to a specific router (e.g., the first router) and a related router (e.g., the second router) for conversion to route received data via the specific router triggered by an occurrence of a congestion or a failure, thus switching the packet forwarding path to a new route (e.g., via the second routing path). As disclosed, for example, at p. 24, ll. 18 – 28 of the specification, such a configuration makes it possible to perform a dynamic routing control per flow at a layer 3 level without making changes to the existing routing protocol (i.e., without using layer 2.5 technique such as MPLS) even when a congestion or a failure has occurred in an IP network.

In rejecting the above-noted claimed features, the Office Action relies primarily on ¶¶ [0021], [0026], [0033] and [0038-0040] of Tirosh.

¶ [0021] of Tirosh describes that his system includes a soft-switch server 300, which may interface with a dynamic router 200, and provide information relating to a destination IP address and port number for a media stream, a required quality of service (QoS) level for the stream, and other information relating to routing the stream through the system. ¶ [0026] of Tirosh describes a process performed by a dynamic router to forward a media stream packet to a downstream router or to the stream's final destination. ¶¶ [0038-0040] of Tirosh describe that a QoS Management System server 400 may manage a rerouting process by identifying triggers within the network that may cause disruption of routes.

The Office Action, therefore, appears to consider the QoS Management System 400 of Tirosh as analogous to the claimed routing controller. The QoS Management System 400, however, does not request provision of address conversion information to the first router in accordance with reception of the trigger, as claimed. Instead, the process performed by the QoS Management System 400 of Tirosh, upon reception of the trigger, is a process to

perform least cost routing, shortest path routing, identifying alternative routes and traffic engineering. These processes merely involve receiving status information from the dynamic routers in the network and not requesting provision of address conversion information to the first router in accordance with reception of the trigger or requesting creation of first and second address conversion information, as claimed.

Tirosh, therefore, fails to teach or suggest that his QoS Management System 400, ***“requests provision of address conversion information to the first router in accordance with reception of the trigger”*** and ***“requests creation of first address conversion information, which associates a destination address of received data with an IP address of the first router, for converting data destined for a destination terminal to data destined for the first router, and requests creation of second address conversion information for converting data destined for the first router to data destined for the destination terminal, based on the address conversion information acquired from the first router”***, as recited in amended independent Claim 14.

Moreover, Claim 14 is amended to incorporate the features of Claim 9 and to recite that the routing controller ***“request a second router***, which is located on a demarcation point of the first routing path and the second routing path, ***to change the first address conversion information”***.

In rejecting the features of Claim 9, p. 8 of the Office Action relies on ¶¶ [0021], [0026] and [0033] of Tirosh noting “may instruct the dynamic routers where to route data”. As noted above, however, these cited portions of Tirosh merely describe a process of routing a received data packet based on information included within the packet itself, and fails to teach or suggest that a routing controller requests a specific router to change generated ***address conversion information***, as recited in Claim 14.

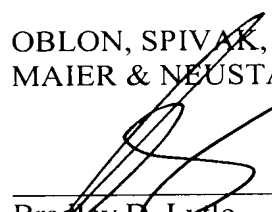
Moreover, Kimchi, the secondary reference, fails to remedy the above-noted deficiencies of Tirosh.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of Claim 14 under 35 U.S.C. § 102. For substantially similar reasons, it is also submitted that amended independent Claims 8 and 16 patentably define over the applied references.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 8, 14 and 16 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Andrew T. Harry
Registration No. 56,959